

**Memorandum of the Meeting
Regular Study Session/Meeting
Twenty-Sixth Town Council of Highland
Monday, November 22, 2010**

The regular study session of the Twenty-Sixth Town Council of the Town of Highland was convened at the regular place, the Highland Municipal, 3333 Ridge Road, Highland, Indiana, in the plenary meeting chambers on **Monday, November 22, 2010** at the time of 7:07 o'clock p.m.

Silent Roll Call: Councilors Dan Vassar, Brian Novak, Konnie Kuiper and Mark A. Herak were present. Bernie Zemen was absent owing to a scheduled angiogram earlier in the day. A quorum was attained. The Clerk-Treasurer Michael W. Griffin was present to memorialize the proceedings.

Others present: John Bach, Public Works Director was also present.

General Substance of Matters Discussed

1. The Town Council had an informal colloquy with Sandra Barber, Manager of Hampton in Highland and Melody Sanchez of the Greater Northwest Indiana Realtors Association regarding the status of the introduced Rental Regulation Ordinance. It was noted that some members of the Town Council wished to move slow and were not moving forward.
2. The Town Council discussed with Cliff Duggan and Jeff Langbein of the Lake County Solid Waste Management District the status of the pending Trash to Ethanol factory and the proposed interlocal cooperation agreement, which would require waste collectors to bring the waste to the proposed factory. (Powers Facility)

Mr. Langbein suggested that in diverting waste collections to the so-called "Powers Facility," there would be considerable savings from what may be currently charged to the Town. The Powers facility guarantees a disposal fee charge of \$17.25 per ton. This does not include transportation. In reviewing proposals for transportation but not collection, Mr. Langbein suggested that there could be an additional \$8 per ton. Mr. Langbein noted that the Lake County Solid Waste Management District has elected to seek RFPs for county-wide curbside collection. This may be seen, according to Mr. Langbein, as a group purchasing arrangement that produces an economy of scale for Lake County municipalities. Mr. Langbein represented that this process of disposal could be as much as 60% less costly than land filling the waste. The initial interlocal cooperation agreement would be for 15 years and an option for an additional 5 years.

Mr. Langbein suggested that there was protection by a bond which could cover the eventuality of the Powers Facility not succeeding or closing. He further represented that the pilot facility is in Fayetteville, Arkansas. He still further represented that the plans for the current factory have been reviewed by Purdue University and another outside engineering firm. Mr. Langbein further noted that the pilot plant has been operating for 40,000 hours.

If the Town elects not to participate with the program, will not participate in any royalties. However, the recycling grants will still be in place. The Lake County Solid Waste Management District. The royalty he identified as \$2.50 per ton. Ninety percent of this would be shared with the localities that are participating through the interlocal cooperative arrangement.

Mr. Langbein also represented that he expected to the Lake County Solid Waste Management District to vote on whether or not for the District to be an owner. Mr. Langbein opined that he believed that the Board is leaning toward not having any ownership.

The Town Council and Mr. Langbein discussed the ownership in the Powers Facility. The financing will soon be fully disclosed. He noted that Powers has three other partners.

The Town Council discussed with the Mr. Duggan of the LCSWMD the issue of the lawsuit judgment related to the Landfill that was planned but then voted to not go forward. There was a lawsuit from the Landfill developer for breach of contract and detrimental reliance.

It was further noted that the Powers Facility processes were all indoors. So it would be likely that no vectors or scavenging critters. Mr. Langbein indicated that there should be no noxious odors outside but there would be inside the plant. Mr. Langbein also indicated that there is no hazardous waste produced from this.

The Town Council and Mr. Duggan also discussed in the event of a loss of service. In the event of the loss of service owing to manmade or natural disaster. There is a two year indemnity for this, at no loss of service and no increase in cost.

It was further noted that the Powell Facility is not limited in whose solid waste it may receive and it may charge a different rate than it would be obligated to charge the participating Lake County municipalities.

It was noted that recycling could be sent along with other solid waste and would not need to be separately collected and yard waste as well. It was noted that carbon-based waste is favored by the technology. It was further noted that ground-breaking for the facility would take place in Spring of 2011. Mr. Langbein further projected that full construction may take up to 36 months at least. It was further noted that there was no ownership by the Board or staff involved. He further indicated that the Tom Cappos, Michael Pannos, the late Ken Reed and Robert Pastrick were not involved. Mr. Langbein indicated that the aesthetic of the plant would try to look like an agricultural facility, with 27 acres under the roof of the structure.

With leave from the Town Council, Mr. Ted Oberc, XXXX Lincoln Street, Highland, was allowed to inquire how it was that Powers sought out the Lake County Solid Waste Management District as part of the process.

With leave from the Town Council, Rick Volbrecht, 9221 Parkway Drive, Highland, was allowed to inquire about the term of the contract and what if any recourse the municipality if it chose to depart from the contract.

3. The Town Council discussed briefly discussed the suggestions from the HR Unlimited comments regarding the Compensation and Benefits Ordinance (Employee Handbook) and their notes on it. It was determined that the Council should delay further study until a future study Session.

There being no further business to be discussed by the Town Council, the regular study session of the Town Council, of **Monday, November 22, 2010**, was adjourned 8:40 p.m. o'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer